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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,859	04/26/2005	Simon Spoors	0211-260	2197
22440	7590	12/07/2006	EXAMINER	
GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 100160601			NICHOLSON III, LESLIE AUGUST	
			ART UNIT	PAPER NUMBER
			3651	

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/532,859	<b>Applicant(s)</b> SPOORS, SIMON	
	<b>Examiner</b> Leslie A. Nicholson III	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6,15-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 15-30 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments and Amendments***

1. Applicant's arguments filed 11/10/2006 have been fully considered and are persuasive. Therefore, all previous prior art rejections as well as all previous 35 USC 112 2<sup>nd</sup> paragraph rejections are hereby withdrawn.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-6 are rejected under 35 U.S.C. 101 because the claim is directed toward a product and process of making the product. The claim is for a conveyor and lines 6-7 of the claim recite how the conveyor is made.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-6,28-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1,28 recite "integral leg structures that extend transversely underneath the belt platform". Transverse relative to what?

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1,3,4,5,15,17 are rejected under 35 U.S.C. 102(b) as being anticipated by Lapeyre USP 6,269,939.

Lapeyre discloses a conveyor comprising:

- A belt platform (68)
- A platform support arrangement (60,61)
- Substantially the whole of said belt platform and said support arrangement is a unitary component from a single sheet of metal (fig.2)
- Wherein the belt platform and the platform support arrangement are separate sheet metal components (fig.2)
- Said conveyor is configured to be constructed substantially without use of welding or threaded fasteners (fig.2)
- Retaining means for coupling said belt platform on said platform support arrangement (34,42,62)

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- Integral leg structure defining two pairs of support legs disposed adjacent opposite ends of the platform respectively (fig.2)
- Wherein each leg structure includes first and second ground engaging parts, carrying a ground engaging foot (61), disposed respectively generally beneath said first and second side rails in use

8. Claims 1,2,15,16 are rejected under 35 U.S.C. 102(b) as being anticipated by Grall USP 4,775,047.

Grall discloses a conveyor comprising:

- A belt platform (fig.5)
- A platform support arrangement (20,22)
- Substantially the whole of said belt platform and said support arrangement is a unitary component from a single sheet of metal (fig.5)
- Wherein the belt platform and the platform support arrangement are integrally formed from a single sheet of metal (fig.5)
- Said conveyor is configured to be constructed substantially without use of welding or threaded fasteners (fig.5)

9. Claims 1,2,15,16,18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bourgeois USP 4,013,167.

Bourgeois discloses a conveyor comprising:

- A belt platform (22)

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- A platform support arrangement (20,36)
- Substantially the whole of said belt platform and said support arrangement is a unitary component from a single sheet of metal (fig.1)
- Wherein the belt platform and the platform support arrangement are integrally formed from a single sheet of metal (fig.5)
- Said conveyor is configured to be constructed substantially without use of welding or threaded fasteners (fig.5)
- The platform includes spaced parallel elongated channel-shaped side beams arranged with their open faces mutually presented (fig.1)
- A belt roller assembly support at each end of the platform slidably received within the channel section of the side beams (fig.16)
- Extensible means (fig.16) (C8/L16-36)
- Detachable cover members (372) fitted over the ends of the side beams

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 6,24,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapeyre USP 6,269,939 (in view of Weeks USP 4,475,648; see ¶12) in view of Kasai USP 4,704,772.

Lapeyre discloses all the limitations of the claim, but does not expressly disclose the use of moulded synthetic resin.

Kasai teaches the use of moulded synthetic resin for the purpose of using a material that is rigid (C2/L28,29).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ the use of moulded synthetic resin, as taught by Kasai, in the device of Lapeyre, for the purpose of using a material that is rigid.

12. Claims 22,23,25,26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapeyre USP 6,269,939 in view of Weeks USP 4,475,648.

Lapeyre discloses all the limitations of the claim, but does not expressly disclose the belt platform supported by integral leg structures defining two pairs of support legs disposed adjacent opposite ends of the platform respectively, or including first and second component integrals fixed in use each to a side beam by way of a retainer, or the ground engaging feet.

Weeks teaches the belt platform supported by integral leg structures defining two pairs of support legs (16) disposed adjacent opposite ends of the platform respectively, and including first and second component integrals (34) fixed in use each to a side beam by way of a retainer (40) and ground engaging feet (20) (fig.4,5,28) for the purpose of providing a strong, elevated support structure.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ the belt platform supported by integral leg structures with two pairs of

support legs disposed adjacent opposite ends of the platform respectively, and including first and second component integrals fixed in use each to a side beam by way of a retainer, and ground engaging feet, as taught by Weeks, in the device of Lapeyre, for the purpose of providing a strong, elevated support structure.

13. Claims 28,29,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourgeois USP 4,013,167 (or Lapeyre USP 6,269,939) in view of Enomoto USP 6,478,143.

Bourgeois (or Lapeyre) discloses all the limitations of the claim, but does not expressly disclose the platform support arrangement formed by bending.

Enomoto teaches the platform support arrangement formed by bending for the purpose of providing multiple parts from a single sheet of metal (C3/L18-19).

At the time of invention it would have been obvious to one having ordinary skill in the art to form the platform support arrangement by bending, as taught by Enomoto, in the method of Bourgeois (or Lapeyre), for the purpose of providing multiple parts from a single sheet of metal.

#### ***Allowable Subject Matter***

14. Claim 31 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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**Conclusion**

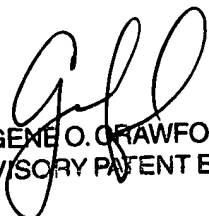
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.  
12/4/2006

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER